

MONTANA SENATE
2007 LEGISLATURE

LOCAL GOVERNMENT

ROLL CALL

DATE 2-13-07

NAMES	PRESENT	ABSENT	EXCUSED
SEN. JOHN ESP (R)	✓		
SEN. KELLY GEBHARDT (R)		✓	
SEN. BOB HAWKS (D)	✓		
SEN. CAROL JUNEAU (D)	✓		
SEN. RICK LAIBLE (R)	✓		
SEN. LYNDA MOSS (D)	✓		
SEN. TERRY MURPHY (R)	✓		
SEN. JERRY O'NEIL (R)	✓		
SEN. MITCH TROPILA (D)		✓	
SEN. CAROL WILLIAMS (D)		✓	
SEN. KIM GILLAN (D) - CHR	✓		
LEANNE HEISEL - LSD	✓		
MARI SCHREINER - SECRETARY	✓		



SENATE STANDING COMMITTEE REPORT

February 14, 2007

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 299** (first reading copy -- white) **do pass**.

Signed: _____

Kim Gillan
Senator Kim Gillan, Chair

- END -

Committee Vote:

Yes 8, No 2

Fiscal Note Required _____

K7

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SENATE STANDING COMMITTEE REPORT

February 14, 2007

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 301** (first reading copy -- white) do pass.

Signed: _____

Senator Kim Gillan, Chair

- END -

Committee Vote:

Yes 8, No 2

Fiscal Note Required _____

KJ

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SENATE STANDING COMMITTEE REPORT

February 14, 2007

Page 1 of 4

Mr. President:

We, your committee on Local Government recommend that Senate Bill 102 (first reading copy -- white) do pass as amended.

Signed: _____

Ken Gillan
Senator Kim Gillan, Chair

And, that such amendments read:

1. Title, line 6.

Strike: "NATURAL"

Following: "DISASTERS"

Insert: ", "

Strike: "AND OTHER"

Following: "INCIDENTS"

Insert: ", "

2. Title, line 7.

Strike: "POLITICAL SUBDIVISIONS IN OTHER STATES"

Insert: "FIRE PROTECTION SERVICES, EMERGENCY MEDICAL CARE PROVIDERS, AND LOCAL GOVERNMENT SUBDIVISIONS"

3. Title, lines 9 through 11.

Strike: "REQUIRING" on line 9 through "ASSISTANCE;" on line 11

4. Title, line 12.

Strike: "10-3-205, 10-3-207, AND"

5. Title, line 13.

Following: "10-3-209, "

Insert: "10-3-1102, AND 10-3-1103, "

6. Page 1, lines 19 and 20.

Strike: "natural" on line 19

Following: "emergencies" on line 19

Strike: "or" on line 19 through "persons" on line 20

Committee Vote:

Yes 11, No 0

Fiscal Note Required

Kf

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7. Page 1, line 30 through page 2, line 1.

Strike: "political" on page 1, line 30 through "Montana" on page 2, line 1

Insert: "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

8. Page 2, lines 4 and 5.

Strike: "or" on line 4

Insert: "and"

Strike: "has" on line 4 through "term" on line 5

Insert: "have the meanings provided"

9. Page 2, lines 27 and 28.

Strike: "political" on line 27 through "Montana" on line 28

Insert: "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

10. Page 3, lines 5 and 6.

Strike: "natural" on line 5

Following: "emergencies" on line 5

Strike: "or" on line 5 through "persons" on line 6

11. Page 3, lines 17 and 18.

Strike: "political" on line 17 through "Montana" on line 18

Insert: "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

12. Page 3, line 22.

Strike: "or"

Insert: "and"

13. Page 3, lines 27 and 28.

Strike: "natural" on line 27

Following: "emergencies" on line 27

Strike: "or" on line 27 through "persons" on line 28

14. Page 4, lines 9 and 10.

Strike: "political" on line 9 through "Montana" on line 10

Insert: "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

15. Page 4, lines 21 and 22.

Strike: "in" through "Montana"

Insert: "pursuant to Title 10, chapter 3, part 11,"

16. Page 4, lines 27 and 28.

Strike: "or" through "10-3-205(3)"

17. Page 5, lines 6 through page 8, line 2.

Strike: sections 6 and 7 in their entirety

Renumber: subsequent sections

18. Page 8, line 29 through line 30.

Strike: "body" on line 29 through "Montana" on line 30

Insert: "bodies of fire protection services, emergency medical care providers, and local government subdivisions of any other state or the United States pursuant to part 11 of this chapter"

19. Page 9.

Following: line 17

Insert: "**Section 7.** Section 10-3-1102, MCA, is amended to read:

"**10-3-1102. Purpose.** It is the purpose of this part to permit one or more fire protection services, emergency medical care providers, or local government subdivisions of this state to enter into mutual aid agreements, on the basis of mutual advantage, with one or more fire protection services, emergency medical care providers, or local government subdivisions of any other state or the United States in order to facilitate and coordinate efficient, cooperative ~~firefighting~~ efforts directed toward protection of life and property in areas transcending state boundaries that, due to geographic remoteness, population sparsity, and economic or other factors, are in need of ~~such~~ those services.""

Insert: "**Section 8.** Section 10-3-1103, MCA, is amended to read:

"**10-3-1103. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Emergency medical care provider" means a local government subdivision or other entity, whether public or private, licensed by the state to provide emergency medical services pursuant to Title 50, chapter 6.

(2) "Fire protection service" means a ~~paid or volunteer fire department, fire company, governmental fire agency organized under Title 7, chapter 33, or other another~~ fire suppression entity organized under the laws of this state, any ~~party other~~ state, or an agency of the government of the United States.

(3) "Local government subdivision" means the local governmental entity, other than state government, including but not limited to incorporated towns and cities, townships, and counties.

(4) "Mutual aid agreement" or "agreement" means an agreement, consistent with the purposes of this part, by one or more fire protection services, emergency medical care providers, or local government subdivisions of this state with one or more fire protection services, emergency medical care providers, or

local government subdivisions of any other state or the United States.

(5) "Party emergency service" means a fire protection service, emergency medical care provider, local government subdivision, or agency of the United States that is a party to a mutual aid agreement as ~~set forth~~ provided in this part.""

- END -



SENATE STANDING COMMITTEE REPORT

February 14, 2007

Page 1 of 3

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 103** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Kim Gillan, Chair

And, that such amendments read:

1. Title, line 6 through line 8.

Strike: "CHANGING" on line 6 through "REQUIRED;" on line 8

2. Page 2, line 1.

Strike: "40% or more of the"

3. Page 2, lines 3 and 4.

Strike: "registered" on line 3 through "district" on line 4

Insert: "the owners of more than 50% of the area of the privately owned lands included within the proposed district who constitute a majority of the real property owners of the area"

4. Page 2, line 5.

Following: "(2)"

Insert: "(a)"

5. Page 2.

Following: line 5

Insert: "(b) A city or town may withdraw from a district 2 years after providing to the board of county commissioners notice of intent to withdraw."

6. Page 2, lines 11 and 12.

Strike: "registered voter residing"

Insert: "real property owner"

7. Page 2, lines 25 and 26.

Committee Vote:

Yes 6, No 5

Fiscal Note Required *KJ*

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Strike: "registered voter who resides" on line 25
Insert: "real property owner"
Strike: "and who" on line 25 through "district" on line 6
Strike: "voter's" on line 26
Insert: "owner's"

8. Page 6, line 23.
Strike: "Registered voters residing in"
Insert: "Real property owners of"

9. Page 6, line 25.
Strike: "40% or more"
Insert: "more than 50%"
Strike: "registered voters"
Insert: "real property owners"

10. Page 7, line 8.
Strike: "40%" through "voters"
Insert: "more than 50% of the real property owners"

11. Page 7, line 28.
Strike: "40% or more of the"

12. Page 7, line 30.
Strike: "registered voters residing in"
Insert: "the owners of more than 50% of the real property of the
area of privately owned lands included within the entire
original district who constitute a majority of the real
property owners in"

13. Page 8, line 18.
Strike: "40% or more of the"

14. Page 8, lines 19 and 20.
Strike: "registered voters who reside"
Insert: "the owners of more than 50% of the area of privately
owned lands of the adjacent area proposed to be annexed who
constitute a majority of the real property owners"

15. Page 8, line 30.
Strike: "at" through "in"
Insert: "a majority of the real property owners of"

16. Page 9, line 4.
Following: "(4)"
Insert: "(a)"

17. Page 9.

Following: line 5

Insert: "(b) A city or town may withdraw from the district territory that has been annexed under this section 2 years after providing to the board of county commissioners notice of intent to withdraw."

18. Page 9, line 11.

Strike: "40% or more of the"

19. Page 9, lines 12 and 13.

Strike: "registered voters residing"

Insert: "the owners of more than 50% of the privately owned lands of an area that is part of an organized fire district who constitute a majority of real property owners"

20. Page 9, line 19.

Strike: "40% or more of the"

21. Page 9, lines 20 and 21.

Strike: "registered voters residing in"

Insert: "the owners of more than 50% of the area of the privately owned lands included within either district affected who constitute a majority of the real property owners of"

22. Page 10, line 9.

Strike: "40% or more of the"

23. Page 10, lines 10 and 11.

Strike: "registered voters residing in the"

Insert: "the owners of more than 50% of the area of the privately owned lands included within the fire district who constitute a majority of real property owners of the"

- END -



SENATE STANDING COMMITTEE REPORT

February 14, 2007

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 130** (first reading copy -- white) **do pass as amended.**

Signed: _____

Kim Gillan
Senator Kim Gillan, Chair

And, that such amendments read:

1. Title, line 10 through line 12.

Strike: "REQUIRING" on line 10 through "JUSTICE;" on line 12

2. Page 22, line 20 through line 27.

Strike: subsection (3) in its entirety

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required _____

KJ

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COMMITTEE FILE COPY

TABLED BILL

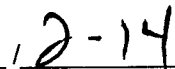
The **SENATE LOCAL GOVERNMENT COMMITTEE** TABLED **SB 167**, by motion, on **Tuesday**,
February 13, 2007.



(For the Committee)



(Secretary of the Senate)



(Time) (Date)

February 14, 2007

Marigail Schreiner, Secretary

Phone: 444-4891

MONTANA STATE SENATE
2007 LEGISLATURE

LOCAL GOVERNMENT

ROLL CALL VOTE

DATE 2-13-06 BILL NO. SB 103 NUMBER 1

MOTION: Amendment SB 10302. all be adopted

NAME	AYE	NO
ESP, JOHN (R)	✓	
GEBHARDT, KELLY (R)	✓	
HAWKS, BOB (D)	✓	
JUNEAU, CAROL (D)		✓
LAIBLE, RICK (R)	✓	
MOSS, LYNDA (D)		✓
MURPHY, TERRY (R)	✓	
O'NEIL, JERRY (R)	✓	
TROPILA, MITCH (D)	✓	
WILLIAMS, CAROL (D)		✓
GILLAN, KIM (D) - CHAIRWOMAN		✓

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SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Esp

to vote my proxy on any issue before the Senate Local Government

_____ Committee

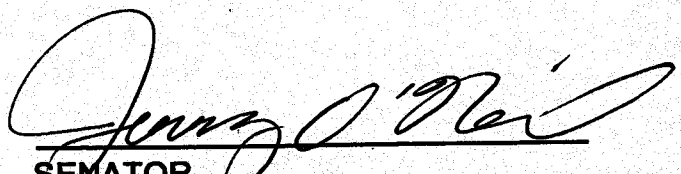
held on Feb 13, 2007.

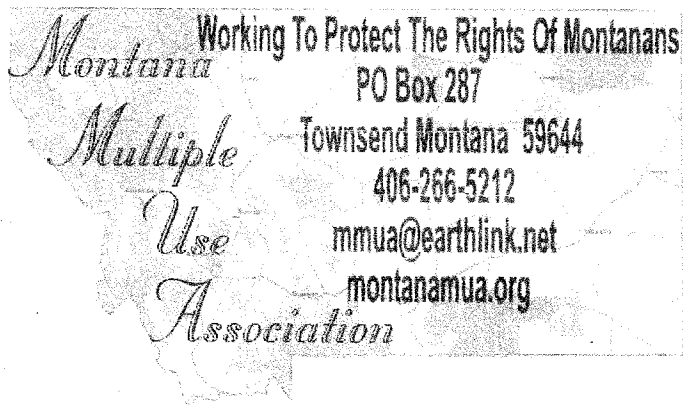
Amendment SB103 - Aye.

SB 103 As amended - No

Amendment for SB ~~130~~ ~~Aye~~

SB ~~130~~ as amended Aye


SENATOR
STATE OF MONTANA



February 7, 2007

Senate Bill 345

Dear Senator,

We attended and offered testimony at the hearing for SB 345 (Setback Requirements for streams.) We would like to take this opportunity to go on record with the following information that we feel is pertinent to the rights of the people of Montana. We strongly feel that this bill is a direct violation of the Constitution of The United States of America;

Amendment XIV. [fn6](#) [[Annotations](#)]

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

We believe that this bill goes too far in holding private land owners responsible for acts of nature, therefore taking property without due process or compensation. The bill utilizes a shotgun approach to managing water resources without a long term plan. The bill is disguised as a law that would protect the resources for the people. Rather than resolving issues, the bill reacts to an issue by making the lands in question off limits to the people that own them.

The bill is also in direct conflict with laws under title 75, 76 and 81. This bill also mandates an enforcement burden on local government without allowing for funding. Our ability to utilize our resources will become burdened with rules, regulations, and policies that are in conflict with each other. (Analysis Paralysis)

We cannot see any way that any amendments could render this bill usable here in the state of Montana. Therefore, we implore upon you to perform your duty. Uphold the Constitution and table this bill.

Tim Ravndal, President
Montana Multiple Use Association